

1 names Charles L. Ryan as Respondent and the Arizona Attorney General as an Additional
2 Respondent.

3 Petitioner raises one ground for relief. Petitioner alleges that his Due Process and
4 Equal Protection rights have been violated by the failure of the trial court to resentence him
5 following a change in controlling state law. The Court will require Respondents to answer
6 the Petition. 28 U.S.C. § 2254(a).

7 **III. Warnings**

8 **A. Address Changes**

9 Petitioner must file and serve a notice of a change of address in accordance with Rule
10 83.3(d) of the Local Rules of Civil Procedure. Petitioner must not include a motion for other
11 relief with a notice of change of address. Failure to comply may result in dismissal of this
12 action.

13 **B. Copies**

14 Petitioner must serve Respondents, or counsel if an appearance has been entered, a
15 copy of every document that he files. Fed. R. Civ. P. 5(a). Each filing must include a
16 certificate stating that a copy of the filing was served. Fed. R. Civ. P. 5(d). Also, Petitioner
17 must submit an additional copy of every filing for use by the Court. LRCiv 5.4. Failure to
18 comply may result in the filing being stricken without further notice to Petitioner.

19 **C. Possible Dismissal**

20 If Petitioner fails to timely comply with every provision of this Order, including these
21 warnings, the Court may dismiss this action without further notice. See Ferdik v. Bonzelet,
22 963 F.2d 1258, 1260-61 (9th Cir. 1992) (a district court may dismiss an action for failure to
23 comply with any order of the Court).

24 **IT IS ORDERED:**

25 (1) Petitioner's Application to Proceed *In Forma Pauperis* is **granted**. (Doc. 2.)

26 (2) The Clerk of Court must serve a copy of the Petition and supporting
27 memorandum (Doc. 1 and 3) and this Order on the Respondent and the Attorney General of

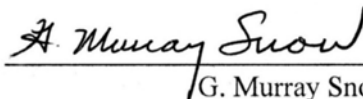
1 the State of Arizona by certified mail pursuant to Rule 4, Rules Governing Section 2254
2 Cases.

3 (3) Respondents must answer the Petition within 40 days of the date of service.
4 Respondents must not file a dispositive motion in place of an answer but may file an answer
5 limited to relevant affirmative defenses, including but not limited to, statute of limitations,
6 procedural bar, or non-retroactivity. If the answer is limited to affirmative defenses, only
7 those portions of the record relevant to those defenses need be attached to the answer.
8 Failure to set forth an affirmative defense in an answer may be treated as a waiver of the
9 defense. Day v. McDonough, 126 S. Ct. 1675, 1684 (2006). If not limited to affirmative
10 defenses, the answer must fully comply with all of the requirements of Rule 5 of the Rules
11 Governing Section 2254 Cases.

12 (4) Petitioner may file a reply within 30 days from the date of service of the
13 answer.

14 (5) This matter is referred to Magistrate Judge Michelle H. Burns pursuant to Rules
15 72.1 and 72.2 of the Local Rules of Civil Procedure for further proceedings and a report and
16 recommendation.

17 DATED this 8th day of June, 2011.

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20 _____
G. Murray Snow
United States District Judge